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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,073	05/07/2001	Steven Todd	2455-4621	9787
26652	7590	07/16/2007		
AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921			EXAMINER FADOK, MARK A	
			ART UNIT	PAPER NUMBER
			3625	
			MAIL DATE	DELIVERY MODE
			07/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/850,073

Applicant(s)

TODD, STEVEN

Examiner

Mark Fadok

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27,31,32 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27,31,32 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

The examiner is in receipt of applicant's response to office action mailed 1/24/2007, which was received 4/9/2007. Acknowledgement is made to the amendment to claim 27. Applicant's amendment and remarks have been carefully considered and were convincing. However after further searching the following new grounds of rejection modified as necessitated by amendment follows:

### **Examiner's Note**

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 27,28,31,32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freishtat (US 2005/0097000) in view of Official Notice and further in view of Cloutier (US PG Pub 2003/0095642)**

**In regards to claim 27**, Freishtat discloses a device for providing a salesperson with notification of consumer interactions with an employer of the salesperson (abstract), the device comprising:

a memory medium containing executable program instructions which, when executed by a processor, provide:

a system settings module, the system settings module permitting the salesperson to set up define at least one target in a plurality of on-line communication channels between the salesperson and a customer associated with the salesperson and to associate with at least one customer (para 0053);

a channel monitor, the channel monitor enabling an the on-line communication channels between the salesperson and the at least one customer (FIG 3),

the channel monitor analyzing the content of communications on the on-line communication channels for ones of the communications that are with the at least one customer associated with the salesperson and that include content matching with communications containing the at least one target set up defined by the salesperson (FIG 3, item 58),

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the channel monitor generating notifications to the salesperson for the ones of the communications containing the at least one target (FIG 3, item 54); and

Freishtat teaches a report generator (para 0029 and 0052), but does not specifically mention that the report is generated through a query by the salesperson.

The examiner takes official notice that querying a database and obtaining information consistent with the query was old and well known in the art at the time of the invention. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Freishtat a report generator that responded to queries, because this was a notoriously well-known method for allowing sales people to monitor their sales and maintain goals of the company.

Freishtat teaches a monitoring system that matches customers with sales personal but does not specifically mention that the sales person defines a target for incoming communications and analyzing the content for matched communications. Cloutier teaches filter criteria that analyses communications and then sends a message to the requester (see abstract and summary). It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Freishtat having a sales person define a target for incoming communications and analyzing the content for matched communications, because this would allow the user (sales person) to be notified when there is a high priority communication between the company and customer and give the sales person a high potential lead, thus increasing commissions for the user.

**In regards to claim 28**, Freishtat teaches a first authorization unit, the authorization unit requesting salesperson information prior to permitting access to the system settings module or the report generator (FIG 5)

**In regards to claim 31**, Freishtat teaches wherein the on-line communication channels is comprise a public on-line communication channel or a restricted on-line communication channel (FIG 1).

**In regards to claim 32**, Freishtat teaches wherein the communication is between the customer and a representative of the employer or the customer and a customer peer (FIG 8).

**In regards to claim 34**, teaches the use of sales personnel input to match the best sales associate with the customers received online data (FIG 9 and 10), but does not specifically mention that target items comprise alphanumeric characters, alphanumeric strings, emoticons, names of product offerings or codes. The examiner takes official notice that the use of alphanumeric characters, alphanumeric strings, emoticons, names of product offerings or codes to identify customer interests or needs was old and well known in the art at the time of the invention. It would have been obvious to a person having ordinary skill in that art at the time of the invention to use alphanumeric characters, alphanumeric strings, emoticons, names of product offerings

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or codes, because these were convenient programming means for indicating a need for sales support.

### ***Response to Arguments***

Applicant's arguments with respect to claims 27,28,31,32 and 34 have been considered but are moot in view of the new ground(s) of rejection.

A "traverse" is a denial of an opposing party's allegations of fact. The Examiner respectfully submits that applicants' arguments and comments do not appear to traverse what Examiner regards as knowledge that would have been generally available to one of ordinary skill in the art at the time the invention was made. Even if one were to interpret applicants' arguments and comments as constituting a traverse, applicants' arguments and comments do not appear to constitute an adequate traverse because applicant has not specifically pointed out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. 27 CFR 1.104(d)(2), MPEP 707.07(a). An adequate traverse must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying Examiner's notice of what is well known to one of ordinary skill in the art. In re Boon, 439 F.2d 724, 728, 169 USPQ 231, 234 (CCPA1971).

If applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey A. Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

***Commissioner for Patents***



**P.O. Box 1450**

Alexandria, Va. 22313-1450

or faxed to:

**571-273-8300**

[Official communications; including

After Final communications labeled

"Box AF"]


For general questions the receptionist can be reached at

571.272.3600

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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